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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,024	08/27/2003	Ryan W. Cuddy	0112300-1537	6444

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BELL, BOYD & LLOYD LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER

MOSSER, ROBERT E

ART UNIT PAPER NUMBER

3714

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,024

Applicant(s)

CUDDY ET AL

Examiner

Robert Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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**DETAILED ACTION**



**This action is non-final.**

**The IDS submitted 2/10/05, has been considered and is attached.**

**Claims 1-67 are pending.**



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1, 3-19, 22-34, 37-53, and 55-67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie (US 5,833,537) in view of Yoseloff et al (US 6,471,208). Regarding at least claims **1-2, and 4-10** Barrie teaches a gaming device including a plurality of sections (142, 144);

outcomes associated with said sections (124);

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a plurality of reels(116);

a plurality of symbols including a plurality of different section indicator symbols associated with a section, located on the reels (Figure 1);

modifiers/multipliers associated with the section symbols (146 & Col 4:23-35);

a triggering event associated with at least on symbol appearing on the reel (Col 3:46-51);

a processor (214) operable to activate the reels upon the occurrence of the triggering event (Understood as the continued play after the appearance of a red ball in a electronic gaming machine), obtain sections responsive to the appearance of associated section indicator symbols on the reels (Figure 1 & Col 6:24-50), increments a multiplier when designated combination of section indicator symbols occurs on the game reels (Col 4:23-35), and provide the section outcome when all sections have been obtained (Col6:24-50 & Col 8:1-4).

Barrie teaches the inclusion of a multiplier for the multiplication of prize amounts awarded on a primary set of reels and the use of a section game outcome for determining an additional game outcome as taught above. Barrie however is silent regarding the application of a multiplier on a section outcome and the inclusion of free spins. It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the use of a multiplier with the use of a game section outcome in order to offer a modified section outcome dependent on the multipliers

acquired in the spin completing the section outcome thereby creating a non-static section outcome prize.

In a related game apparatus Yoseloff et al teaches the inclusion of free spins as an alternative form of game payout (Col 10:18-33). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the free spin rewards of Yoseloff into the game of Barrie in order to provide an additional payout means that serves to increase device use.

Regarding claims **3-9, 22-24, 37-40, and 55-57** Barrie teaches the formation of a multiplier (modifier) amount based on the arrangement of selection symbols appearing on the reels (Col 4:25-35).

Regarding at least claims **10-11, 25-26, 41-44, and 58-59** as the multiplier is determined from the randomly determined symbol combinations appearing on the reels it may be understood as being randomly determined as well as predetermined as such combinations are resultant of specific symbol combinations (Col 4:25-35).

Regarding at least claims **12-16, 19, 27-31, 45-49, and 60-63** the combination of Barrie/Yoseloff as presented above teaches the use of free spins (free games) as an award type hence the awarding of predetermined prizes according to symbol combinations appearing randomly on the reels would be encompassed in accordance with Barrie's disclosed manner of determining the occurrence of a payout event (Col 3:17-21).

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Regarding at least claims **17-18**, **32-33**, **50-51**, and **64-65** Barrie teaches the use of a plurality of pay lines for the determination of qualifying combinations (122 & Col 3:17-23).

Regarding at least claims **34**, **52**, and **53** Barrie teaches the elimination of section indicator symbols from the reels based on the occurrence of a designated set of section symbols (Col 48-22) and alternatively subsequent spins of the reels yielding the removal of persistent symbols or symbol combinations would also meet the limitation as presented (Col 6: 34-47).

Regarding at least claims **66-67** Barrie teaches the use of a network including the Internet and a central server for remotely controlling game play (Col 4:42-60).

Claims **2-3**, **20-21**, **35-36**, and **54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie (US 5,833,537) in view of Yoseloff et al (US 6,471,208) in yet further view of Thomas (US 5,449,173).

Barrie teaches the use of random placement symbols (Col 8:24-27) however is silent regarding the use of wild symbols and wild symbol combinations for the purposes of completing the plurality of sections. In a related patent however, Thomas teaches the use of a "wild symbol" (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporates the use of a wild symbol for the purpose of forwarding a game play.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on (571)272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM



JESSICA HARRISON  
PRIMARY EXAMINER